

Checklist for Motion to Waive 90-day Waiting Period

Keep a copy of all documents for your records.
Attend all court hearings.

(1) See Utah Rule of Civil Procedure 7 governing motions

(2) Motion to Waive 90-day Waiting Period

- ☐ Print your name and contact information at the top of the first page. Check whether you are the petitioner or respondent or the attorney for the petitioner or respondent.
- ☐ Complete the heading exactly as it appears in the Petition.
- ☐ Paragraph (1): Print the reasons the waiting period should be waived.
- ☐ Paragraph (2): Print the date on which the divorce petition was filed.
- ☐ Paragraph (3): Check whether the respondent has signed an Acceptance of Service, Consent and Waiver of the 90-day waiting period or a stipulation that it can be waived. (You can ask the court to waive the waiting period even if the other party has not stipulated to do so.)
- ☐ Date and sign the form.
- ☐ Complete the Certificate of Service.
- ☐ Serve the forms on the other party.
- ☐ File the forms with the judicial services representative.

(3) Reply to Statement Opposing Motion to Waive Education Requirements

You may file a Reply only if the other party has filed a Statement Opposing Motion to Waive Education Requirements. Even then, you may file a Reply only if the other party mentions something new that you did not mention in your Motion. To file a Reply, do the following:

- ☐ Print your name and contact information at the top of the first page. Check whether you are the petitioner or respondent or the attorney for the petitioner or respondent.
- ☐ Complete the heading exactly as it appears in the Petition.
- ☐ Quote from the other party's Opposing Statement the exact words that you disagree with.
- ☐ Explain why you disagree.
- ☐ Date and sign the form.
- ☐ Complete the Certificate of Service.
- ☐ Serve the form on the other party.

- ☐ File the form with the judicial services representative.

(4) Request to Submit for Decision

- Do not file the Request to Submit for Decision until after the Statement Opposing Motion to Waive 90-day Waiting Period has been filed and, if you file one, after the Reply to Statement Opposing Motion to Waive Education Requirements has been filed, or the time for filing has passed. (The Opposing Statement must be filed within 10 days after the Motion has been served. The Reply Statement must be filed within 5 days after the Opposing Statement has been served.)
- Do not file a Request to Submit for Decision if the other party has already filed one.
- ☐ Print your name and contact information at the top of the first page. Check whether you are the petitioner or respondent or the attorney for the petitioner or respondent.
- ☐ Complete the heading exactly as it appears in the Petition.
- ☐ Hearings on this type of motion are rare, but you may ask for one. If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the Motion based on the papers that have been filed.
- ☐ Complete the entire form.
- ☐ Date and sign the form.
- ☐ Attach the required documents.
- ☐ Complete the Certificate of Service.
- ☐ Serve the form on the other party.
- ☐ File the form with the judicial services representative.

(5) Notice of Hearing

- ☐ Hearings on this type of motion are rare, but you may ask for one. If you have requested a hearing, file the Notice of Hearing with the Request to Submit for Decision.
- ☐ Complete the heading exactly as it appears in the Petition.
- ☐ Do not complete the rest of the form. The judicial services representative will do this.
- ☐ File the Notice of Hearing with the Request to Submit for Decision.
- ☐ If the judge allows a hearing, the judicial services representative will schedule it and return the Notice of Hearing to you. Serve the Notice of Hearing on the other party.

(6) Proposed Order on Motion to Waive 90-day Waiting Period

- ☐ Complete the heading exactly as it appears in the Petition.

- ☐ Do not complete the rest of the form. The judge will do this.
- ☐ File and serve the form with the Request to Submit for Decision.
- ☐ If you are the prevailing party, you will have to serve the other party with a copy of the signed order.

(7) After the judge signs the order

- ☐ Serve a copy of the signed order on the other party.
- ☐ Complete the Certificate of Service.
- ☐ File the Certificate of Service with the judicial service representative.